

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ORDER OF DETENTION
January 26, 2005

SWARTWOOD, M.J.

I. Nature Of The Offense And The Government's Motion For Detention

On December 28, 2004, an Information was filed in which Juan Agustin Caraballo ("Mr. Caraballo") and Jean Claude Muller ("Mr. Muller") (collectively "Defendants"), were both charged in Count One, with conspiracy to distribute and to possess with intent to distribute cocaine in violation of 21 U.S.C. §846; in Count Two, with possession of cocaine with intent to distribute in violation of 21 U.S.C. §841(a)(1) and aiding and abetting in violation of 18 U.S.C. §2; and there is a Notice of Additional Factors having to do with the weight of the cocaine allegedly involved in the offense charged in the Information.

At the Defendants' initial appearance on January 25, 2005, they were advised of their right to counsel, their right to remain silent and that the case would be returned to Judge Saris for a plea. At the initial appearance, the Government moved for a

detention hearing in accordance with 18 U.S.C. §3142(f)(1)(C) (Defendants are charged with an offense for which a maximum term of imprisonment of ten years or more is prescribed in the "Control Substances Act") (21 U.S.C. § 801 *et seq.*) and (f)(2)(A)(risk of flight).

After being advised of their right to a hearing on the Government's motion for detention, both Defendants waived that hearing and assented to an Order of Detention, but reserved their right to a detention hearing in the future.

V. Order of Detention Pending Trial

In accordance with the foregoing memorandum,
IT IS ORDERED:

1. That Defendants be committed to the custody of the Attorney General or his designated representative, for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

2. That Defendants be afforded a reasonable opportunity for private consultation with counsel; and

3. On order of a court of the United States or on request by an attorney for the Government, the person in charge of the corrections facility in which Defendants are detained and confined shall deliver Defendants to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

RIGHT OF APPEAL

THE PERSON OR PERSONS DETAINED BY THIS ORDER MAY FILE A MOTION
FOR REVOCATION OR AMENDMENT OF THE ORDER PURSUANT TO 18 U.S.C. §
3145 (b) .

/S/CHARLES B. SWARTWOOD, III
CHARLES B. SWARTWOOD, III
MAGISTRATE JUDGE